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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,909	01/08/2007	Noritaka Muraki	Q79714	1815
23373 7590 12/30/2011				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
HUBER, ROBERT T				
ART UNIT		PAPER NUMBER		
2892				
NOTIFICATION DATE		DELIVERY MODE		
12/30/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Examiner-Initiated Interview Summary	Application No. 10/586,909	Applicant(s) MURAKI ET AL.	
	Examiner ROBERT HUBER	Art Unit 2892	

All participants (applicant, applicant's representative, PTO personnel):

- (1) ROBERT HUBER. (3) ____.
- (2) Ms. Marina Zalevsky. (4) ____.

Date of Interview: 22 December 2011.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: ____.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☒ 103 ☒ Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: Kobayakawa et al. (US 7,482,635) and Narayan et al. (US 2003/0160246).

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner submitted that an obviousness-type double patenting is relevant between the claims of the current application and the claims of PN 7,482,635 to Kobayakawa. The Examiner explained that Kobayakawa discloses much of the claimed invention, including the well layers and discontinuity of 0 nm thickness, and that it is obvious to include such structure in an LED with the claimed contact layers and electrodes of the current application. The Examiner suggested that a terminal disclaimer will need to be filed. No agreement was reached. The Examiner submitted that the prior art of Narayan discloses that the well layers have discontinuous portions with different thicknesses, and that Narayan in combination of the prior art of record still renders obvious the claimed invention, including optimizing the thickness variations of Narayan such that portions have 0 nm thickness. No agreement was reached.

Applicant recodation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recodation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recodation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recodation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Robert Huber/
Primary Examiner, Art Unit 2892